

15.106 SEXUAL HARASSMENT

Reference:

City Manager's Administrative Regulation #25 (2-3-97)
Manual of Rules and Regulations - 1.13
Standards Manual 26.1.2
Civil Rights Act of 1991
Equal Employment Opportunity (EEO) Commission Guidelines (1980)
Section 7030 of Title VII of the Civil Rights Act of 1964

Definitions:

Sexual harassment is against the law and is a prohibited personnel practice.

Sexual harassment is defined as:

Unwelcomed sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a condition of an individual's employment
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Specific behaviors that are prohibited include, but are not limited to:

- Offensive sexual flirtation, advances, or propositions.
- Verbal abuse of a sexual nature.
- Graphic verbal commentaries about an individual's body.

- Offensive comments, jokes, or suggestions about another employee's gender or physical attributes.
- Lewd or obscene jokes or gestures.
- Leering, pinching, patting, and/or swearing; particularly when sexual terms are used.
- The posting of sexually offensive and/or explicit posters, photographs, jokes, calendars, cartoons, etc., at the work place.
- Questions or discussions about one's personal sex life.
- Open display and/or discussion of sexual relations between employees (either sworn or nonsworn).
- Social invitations accompanied by discussion of terms or conditions of employment or a performance evaluation.
- Requests or instructions that clothing be worn for sexual effect.
- Suggestive body language.

Sexual Harassment is a form of employee misconduct which undermines the integrity of the employment relationship.

An employee who subjects a nonemployee to sexual harassment in the workplace is subject to this regulation.

A nonemployee who subjects an employee to sexual harassment in the workplace will be informed of the harassment policy by the employee's supervisor or manager. Other action may be taken as appropriate.

Purpose:

Allow all division employees to work in an environment free from unsolicited and unwelcomed conduct of a sexual nature.

Procedure:**A. Reporting Sexual Harassment:**

1. Division employees encountering sexual harassment are encouraged to inform the person their actions are unwelcomed and offensive. However, the employees are not obligated to do so.
2. Division employees who feel they have been a victim of sexual harassment or have knowledge of conduct constituting sexual harassment may report a complaint to:
 - a. Any supervisor.
 - 1) Notification to a division supervisor can be done orally or in written form.
 - b. Any EEO counselor.
 - c. The EEO Office
Two Centennial Plaza
805 Central Ave. - Suite 110
Cincinnati, OH 45202
Telephone number - 352-2400
 - d. The Ohio Civil Rights Commission
324 West Ninth Street
Cincinnati, OH 45202
Telephone number - 852-3344
 - e. The Federal Equal Employment Opportunity Commission
525 Vine Street - Suite 810
Cincinnati, OH 45202
Telephone number - 684-2851

B. Supervisor Responsibilities:

1. Each supervisor is responsible for preventing acts of sexual harassment by:
 - a. Monitoring the unit work environment on a daily basis.
 - b. Counseling all employees on the types of behavior prohibited, and the division's procedure for reporting and resolving complaints of sexual harassment.

- c. Stopping any observed acts which may be considered sexual harassment, and taking appropriate steps to intervene, whether or not the involved employees are within their line of supervision.
- 2. When a division supervisor is notified of a sexual harassment complaint, the supervisor will prepare a Form 17 to the Chief.
 - a. The Form 17 should include the names of all persons involved, time and location where the alleged incident(s) occurred, the nature of the harassment complaint, and any action taken.
 - b. The supervisor will place the Form 17 in a sealed envelope. Do not route through the chain of command.
 - c. The Form 17 will be sent directly to the Police Chief for determination of an investigation.
- C. Internal Investigation Section (IIS) Responsibilities:
 - 1. IIS will conduct an investigation of the sexual harassment complaint, pursuant to their standard operating procedures (SOP). All complaints of sexual harassment will be investigated promptly, fairly, and completely. Each case will be handled as discreetly as possible.
 - 2. IIS will immediately report all formal sexual harassment complaints to the city's EEO Office. All documents and/or evidence relating to the sexual harassment complaint must be forwarded to the EEO Office.
 - a. A copy of the IIS report must be submitted to the EEO Office upon completion of the investigation.

D. Harassment by a Service Provider:

1. Services on behalf of the public which are provided through a service provider under contract with the city are to remain free of any form of sexual harassment. Any personnel who believe they have been subjected to sexual harassment or has knowledge of conduct constituting sexual harassment has a responsibility to notify any resource listed in Sections A.1.a. through e.

E. Retaliation:

1. There will be no retaliation against any employee for filing a sexual harassment complaint, or for assisting, testifying, or participating in the investigation of such a complaint.

F. False and Malicious Claims:

1. Complaints determined to be false and malicious will be treated in the same manner as other forms of serious misconduct.